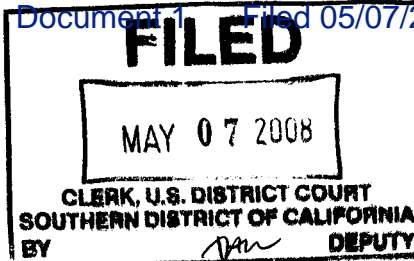


AUSA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Carlos CRUZ-Sanchez,

Defendant.

) Mag. Case No.

'08 MJ 8386

) COMPLAINT FOR VIOLATION OF:

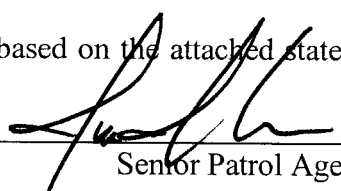
) Title 8, U.S.C., Section 1326

) Attempted Entry After Deportation


The undersigned complainant, being duly sworn, states:

On or about May 6, 2008, within the Southern District of California, defendant Carlos CRUZ-Sanchez, an alien, who previously had been excluded, deported, and removed from the United States to Mexico was apprehended in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 7th DAY OF MAY 2008.


ANTHONY J. BATTAGLIA
United States Magistrate Judge

1 UNITED STATES OF AMERICA
2 v.
3 Carlos CRUZ-Sanchez

4 STATEMENT OF FACTS

5 This complaint is based on the reports and documents furnished
6 to Senior U. S. Border Patrol Agent Juan Suarez which is based upon
7 the statements of the apprehending Border Patrol Agent T. Barrientos
8 that the Defendant was found and arrested on May 6, 2008,
9 approximately 0.3 miles west of the Calexico, California, Port of
10 Entry.

11 On May 6, 2008, at approximately 6:20 p.m. Agent Barrientos
12 observed an individual, later identified as Carlos CRUZ-Sanchez,
13 jumping the international boundary fence approximately 0.3 miles west
14 of the Calexico, California, Port of Entry. Agent Barrientos
15 identified himself as a U. S. Border Patrol Agent and conducted an
16 interview in order to determine his immigration status in the United
17 States. CRUZ-Sanchez stated he was a citizen of Mexico and with no
18 legal right to be in the United States.

19 Records checks disclosed that CRUZ-Sanchez was deported on
20 October 23, 1996, by an Immigration Judge. Further record checks
21 revealed CRUZ-Sanchez has an extensive criminal record.

22 There is no evidence CRUZ-Sanchez ever sought nor received
23 permission from the Attorney General of the United States or his
24 designated successor, the Secretary of the Department of Homeland
25 Security, to re-enter the United States.
26
27
28